

Application No. 10/849,973

**Remarks**

Applicants respectfully request reconsideration of the claims of the subject application.

The Office Action mailed December 13, 2005 rejected claims 1-10, 12, 14-16, and 18 under 35 U.S.C. 102(b), citing U.S. Patent 6,409,401 to Petteruti et al.

With respect to applicants' method as defined in independent claim 1, the Petteruti et al. reference shows and discloses a printer mechanism with an RFID encoder for encoding an RFID circuit on labeled media as part of a process of printing and dispensing labels on media, such as a roll of integrated RFID media 16. It appears from the description in the Petteruti et al. reference that the printer there disclosed is adapted to print labels that are then removed from the printer and applied to other articles separate from the printer 10 that prints that the labels themselves. Thus, the Petteruti et al. printer does not process a module enclosed within a container in which the container includes an electronic tag and particularly does not include selectively storing module information while the module is enclosed in the container particularly with such module information pertaining to the module that is enclosed within the container.

With further respect to dependent claim 4, Petteruti et al. teach programming the RFID circuit apart from the module to which the RFID chip is to become associated. Petteruti et al. do not describe how the RFID circuit becomes associated with any other device, such as a module for use by a printing apparatus. In particular, Petteruti et al. do not teach performing actions in a printing apparatus in which a module is used based on information contained in the RFID tag memory.

With respect to independent claim 8, the Petteruti et al. device encodes RFID circuits on labels dispensed from a roll of media. The encoded

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labels are then dispensed from the printer, presumably for subsequent application to another article. The processing of the RFID circuit in the Petteruti et al. device is performed prior to dispensing the label that includes the RFID circuit. Thus, Petteruti et al. do not suggest a method that includes electronically reading tag information from the tag memory of the electronic tag that is securely affixed to the container enclosing a module.

With respect to the container defined in independent claim 14, the Petteruti et al. label printer prints labels on media 16 and encodes the RFID circuits of that media, and then dispenses the printed and encoded labels for subsequent application to other articles. The Petteruti et al. reference does not suggest a container in which an electronic tag is securely affixed to the enclosure of the container, with the container additionally including an electronic tag for producing a tag identification response and a tag communication element.

With further respect to dependent claim 15, although Petteruti et al. suggest determining whether the commands and data are valid (step 56 of Figure 3), the reference describes merely checking if the RFID address read is valid. The reference does not appear to suggest a tag identification segment calculating a tag identification response. Petteruti et al. also describe at column 5, performing a check of the information programmed by the printer into the RFID circuit, and include the possibility of performing one or more retries if the verification step reveals an error. Each of the steps appears to be a verification of existing data, and does not appear to involve additional calculation or computation.

The Office Action rejected claims 11, 13, 17, and 19 under 35 U.S.C. 103(a), citing U.S. Patent 6,409,401 to Petteruti et al. in view of U.S. Patent 5,406,263 to Tuttle.

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The Office Action expresses the position that the Tuttle reference teaches the use of a container and embedding an electronic tag and securing the tag over a container opening separation. However, the Tuttle reference does not suggest any of the additional features not shown by the Petteruti et al. reference. With respect to claims 11 and 13, the Tuttle reference does not add to the Petteruti et al. reference a suggestion of electronically reading information from the tag securely affixed to the container and if the tag information matches predetermined criteria, selectively storing in the tag memory either first or second module information, which information pertains to subsequent use of the module enclosed within the container. With respect to claims 17 and 19, the Tuttle reference also does not add to the Petteruti et al. reference the missing elements of storing information into the tag memory when the electronic tag is securely affixed to the enclosure of the container.

Applicants claimed invention provides a capacity for programming electronic tags already affixed to containers enclosing modules. This capacity provides flexibility beyond the systems of the cited art in which the programming of the RFID chip occurs prior to affixing the chip to the container or other article.


Applicants respectfully submit that the claimed invention is patentably distinct from the references cited, and therefor respectfully allowance of claims 1-19.

No additional fee is believed to be required for this amendment. However, the undersigned Xerox Corporation attorney (or agent) hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Corporation Deposit Account No. 24-0025. This also constitutes a request for any needed extension of time and authorization to charge all fees therefor to Xerox Corporation Deposit Account No. 24-0025.

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If the Examiner considers personal contact helpful to dispose of this case, call David J. Arthur, at Telephone Number 585-423-9215, Rochester, New York.

Respectfully submitted,

  
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DJA/cw  
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